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SUBJECT: WHAT HAPPENS AFTER THE GERMAN ELECTIONS?

11. (SBU) Summary: Germany could see a change in government after the September 27 Bundestag election, and even if the result is another Grand Coalition of Chancellor Merkel's Christian Democratic Union and sister Christian Social Union (CDU/CSU) party with Foreign Minister Steinmeier's Social Democratic Party (SPD), there could be lengthy coalition negotiations and turnover at the ministerial and senior administrative level. Embassy Berlin offers a review of the rules that govern the process and the timeline that is likely to develop depending on the election results. Coalition negotiations could drag on for several months but could also go much more quickly in the event of a CDU/CSU-Free Democratic Party (FDP) parliamentary majority. In Germany, there is always a sitting government, and Merkel and her current cabinet will remain in office until she is either re-elected or, although highly unlikely, she is replaced by the parliament's election of a new chancellor. End Summary.

Election Process

12. (U) Every four years, the German electorate chooses a new parliament of approximately 598 members. Voters have a first choice for a direct mandate in which they select the member of parliament for their constituency by a simple plurality (one more than any other candidate). They have a second vote for a state party list (usually 299 members of the parliament are chosen by these party lists but the number can vary due to a quirk in the electoral system). A party must win five percent of the national vote or three direct mandates (constituencies) to be represented in the Bundestag, although any candidate winning a direct mandate takes his or her seat in parliament. The second vote determines the overall percentage of seats a party gets.

Coalition Negotiations

13. (U) Parties normally make their coalition preferences known, and if there is a clear parliamentary majority (which was the case after every election except for 1949 and 2005), those parties will announce their intention, usually on election night, to begin negotiations to form a coalition. If the CDU/CSU and FDP win a parliamentary majority on September 27, we can expect an announcement that night that they will begin negotiations, which could come to a relatively rapid conclusion. In 1998, for example, the SPD and Greens concluded negotiations and elected Gerhard Schroeder chancellor in exactly one month.

14. (U) In any case, the parliament must meet no later than 30 days after the Bundestag election. Its first duty is to elect a Bundestag president and vice presidents, with the president coming from the largest parliamentary group and the vice presidents from the other parliamentary groups (also known as caucuses). When coalition negotiations are completed, the parties will inform the federal president of

their intention to elect a chancellor, and the president will propose his or her name to the new Bundestag. Usually the vote will take place shortly thereafter. If coalition negotiations are ongoing or if it is not yet clear what kind of coalition will be formed, as was the case in 2005, the existing government (chancellor and ministers) remains in office in a caretaker status until coalition negotiations result in an agreement to elect a chancellor and form a new government. The process can last months; in 2005 the Bundestag election took place on September 18 and Merkel was not elected chancellor until November 22.

Election of a Chancellor

15. (U) The chancellor must receive an absolute majority of the members of parliament to be elected in the first round of voting; this is the process that has been used in every chancellor election since 1949. If the nominee fails to win an absolute majority, then the Bundestag has two weeks to try again, as many times as it chooses and for any nominee it proposes. After the two week period is over, another vote would take place without delay. A candidate winning an absolute majority must be appointed by the federal president; otherwise the president has the choice of naming the candidate with a plurality of the votes chancellor or dissolving the Bundestag, which would trigger new elections within 60 days. This has never occurred.

16. (U) The president swears in the newly elected chancellor, who then nominates a list of ministers who are officially appointed by the president. In recent years, a coalition agreement usually stipulates which ministries go to which

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parties, and each party leadership chooses its ministers. This process limits the ability of the chancellor to name the ministers of his or her choosing. Since the Schroeder government of 1998, coalition agreements have been made public and are placed on the government's website despite their lack of formal legal status.

Appointment of Ministers

17. (U) After the chancellor and ministers are sworn in, there is also a transition of senior administrative officials. Each ministry has one or two parliamentary state secretaries (called ministers of state in the Chancellery and Ministry of Foreign Affairs) who are members of parliament and who help the minister or chancellor with relations to parliament or who perform other selected duties, and one to three "beamtete" (career civil service) secretaries of state who oversee the internal administration of the ministry. The head of the Chancellery can either be a member of the cabinet, as is the case with Merkel's Chancellery Chief Thomas de Maiziere, who serves as a Minister without Portfolio, or is a civil servant, as was the case when Steinmeier headed Gerhard Schroeder's Chancellery. The "beamtete" secretaries of state and division chiefs are considered "political bureaucrats" who are usually career civil servants (but often with clear party affiliation) who can be removed from their position at any time and without cause. These senior civil servants are reshuffled over a several-month period, with new officials often coming from state ministries held by the party of the federal minister or from the staffs of the parliamentary caucuses. Some senior officials stay on, but particularly when a ministry changes party hands there is a thorough changeover that takes place over several months.

COMMENT

18. (SBU) The framers of the German Basic Law have successfully assured that Germany always has a sitting government. Unless there is a clear parliamentary majority for the CDU/CSU-FDP coalition ("black-yellow"), however, coalition negotiations are likely to be long and difficult this year and could extend past the 20th anniversary celebrations of the fall of the Berlin Wall on November 9. Protracted negotiations should be expected between the CDU/CSU and SPD for another Grand Coalition. In recent years, the parties have also insisted on a coalition agreement that puts restrictions on what a chancellor can do in important policy areas and that stipulates specifically the composition and party make-up of the cabinet. In 2005, for example, the SPD ensured that Merkel could not amend the previous government's program to phase out nuclear energy without Social Democratic Party approval, and when then Labor Minister and Vice-Chancellor Muentefering resigned his office in 2007, it was the SPD and not Merkel who decided both his replacement as minister and the elevation of Steinmeier to the position as Vice-Chancellor. End Comment.

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